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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,376	03/15/2004	Anthony E. Lee	WMK 318	3178
23581	7590	08/09/2006		
KOLISCH HARTWELL, P.C. 200 PACIFIC BUILDING 520 SW YAMHILL STREET PORTLAND, OR 97204			EXAMINER VASUDEVA, AJAY	
			ART UNIT 3617	PAPER NUMBER

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/801,376	Applicant(s) LEE ET AL.	
	Examiner Ajay Vasudeva	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 24-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

- A weld coalesced to a surface of the body, as set forth in claims 1 and 14.
- An outfitting coalesced to the weld, as set forth in claims 1 and 14.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masters (US 4,681,060 A) in view of FR 2473457 A ('457).

Re claims 1-5 and 8-13, Masters shows a watercraft having a body [14, 16] comprising a web [A']. The web is considered to be a part of the watercraft body, and therefore, the surface of the web is considered to be the "interior surface", as required by the claims (see fig. 3A-3C). Masters also discloses attaching an outfitting [B'] to the interior surface of the web by a heat weld (col. 3, line 17).

Even though Masters does not explicitly show a weld interposed between the web and the outfitting, the attachment of the two by a heat weld clearly implies that the respective

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surfaces of the web and the outfitting are fused together – either through a partial melting of their respective surfaces, or through another weldable material being fused or melted between the web and the outfitting. In either case, however, the portion of the fused – or coalesced -- material causing the web and the outfitting to unite would be interposed between the two. Such coalesced material is considered to be the “*weld*”, as required by the claims.

The body, the weld, and the outfitting are made of polyethylene (col. 2, line 41; and col. 3, line 15), which is a weldable polymer material. Regarding the limitations “**the deck and the hull is thermoformed**” (claim 11), or “**the watercraft is rotationally molded**” (claim 12), applicants may note that such limitations are process limitations in an apparatus claim, and are being treated as product by process limitations. As set forth in **MPEP 2113**, product by process claims are NOT limited to the manipulations of the recited steps, only to the structure implied by the steps. Therefore, no weight has been given to such limitations because US ‘060 possesses the recited structure of the hull and the outfitting.

Re claims 6, 7 and 14-23, although Masters discloses the outfitting as being heat welded (col. 3, line 17) to the interior surface of the body, it does not explicitly describe as to how such heat welding is accomplished.

FR ‘457 shows a watercraft, and discloses a method of heat welding the thermoplastic components of the watercraft by using electrically conductive members disposed between the thermoplastic components.

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It would have been obvious for one skilled in the art at the time of the invention to employ electrically conductive members -- disposed between the outfitting and the interior surface of Masters -- to weld the two together, as taught by FR '457. Employing such a method would have provided a strong and reliable bonding of the two components. Applicant may further note that employing such a bonding technique would have left the electrically conductive members disposed between the outfitting and the interior surface, wherein a part of the melted material would have served as a coating for the conductive material.

Response to Arguments

4. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection. However, applicant's main argument has addressed as follows:

Arguments: Applicant has argued that at no point does Masters disclose foam block B or any other item welded to the hull. Instead, Masters shows a foam block B that is attached to the surface of the hull by fasteners. Therefore, the Examiner's assertion that Masters discloses an item of outfitting welded to an interior of a body is not correct.

Response: Applicant may note that the web [A'] is considered to be a part of the watercraft body, and therefore, the surface of the web constitutes "an internal surface" of the body. Masters clearly discloses attaching the outfitting [B'] to the web -- which is the interior surface of the watercraft body -- by a heat weld (col. 3, line 17).

Conclusion

5. The prior art made of record in the attached PTO Form 892, but not yet relied upon, is considered pertinent to applicant's disclosure.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (571) 272-6689. The examiner can normally be reached on Monday-Friday 12:00 -- 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ajay Vasudeva
Examiner
Art Unit 3617


AJAY VASUDEVA
PATENT EXAMINER 6/05/06